



HAMILTON STEPHENS  
STEELE + MARTIN, PLLC  
ATTORNEYS AT LAW

ex B

July 14, 2023

Marisol Rivera  
Email: [mriviera@lawhssm.com](mailto:mriviera@lawhssm.com)  
704-227-1049

**VIA EMAIL AND U.S. MAIL**

Craig Cunningham  
3000 Custer Road, Ste 270-206  
Plano, Texas 75075  
[projectpalehorse@hushmail.com](mailto:projectpalehorse@hushmail.com)

John E. Harris  
Clifton L. Brinson  
Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, LLP  
P.O. Box 2611  
Raleigh, NC 27602  
[jharris@smithlaw.com](mailto:jharris@smithlaw.com)  
[cbrinson@smithlaw.com](mailto:cbrinson@smithlaw.com)

**In re: 3:23-cv-00238-FDW-SCR Cunningham v. Affordable Auto Protection, LLC et al**

Dear Mr. Cunningham & Counsel,

Please find our Notice of Serving Subpoena to Produce Documents, Information, Or Objects or To Permit Inspection of Premises enclosed for service.

Don't hesitate to contact me with any questions.

Sincerely,

Marisol Rivera  
Paralegal to M. Aaron Lay



# 3:23-cv-00238-FDW-SCR Cunningham v. Affordable Auto Protection, LLC et al - Subpoena

From **Marisol Rivera** <mrivera@lawhssm.com>  
To **bkuzniar** <bkuzniar@creeklanecapital.com>  
Cc **projectpalehorse** <projectpalehorse@hushmail.com>, **M. Aaron Lay** <malay@lawhssm.com>, **Robert Miller** <rob@roberthuffmiller.com>, **Graham Morgan** <gmorgan@lawhssm.com>, **Braden Rose** <brose@lawhssm.com>, **jharris** <jharris@smithlaw.com>, **cbrinson** <cbrinson@smithlaw.com>  
Sent Tuesday, July 18, 2023 at 1:43 PM  
Encrypted **No**  
Signed **No**  
Attachments image997397.png, image833508.png, Cunningham - Subpoena Cover Ltr. (07.18.23).pdf, Cunningham - Subpoena to 650 Stonewall (07.18.23).pdf

Good afternoon Mr. Kuzniar:

Please see the attached regarding the referenced matter. A hard copy will follow via Certified Mail.

Many thanks,



**Marisol Rivera | Paralegal**  
**Hamilton Stephens Steele + Martin, PLLC**  
T: 704.227.1049 | F: 704.344.1483  
E: mrivera@lawhssm.com | W: www.lawhssm.com  
A: 525 N. Tryon Street, Suite 1400, Charlotte, NC 28202



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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CRAIG CUNNINGHAM,

Plaintiffs,

v.

Case No. 3:23-cv-0238-FDW-SCR

PELICAN INVESTMENT HOLDINGS  
GROUP, LLC, d/b/a AAP, AUTOGUARD  
ADVANTAGE CORPORATION,  
DIMENSION SERVICE CORPORATION,  
SING FOR SERVICE, LLC d/b/a MEPCO,  
LEXINGTON NATIONAL INSURANCE  
CORPORATION, VAJIRA SAMARATNE,  
and JOHN/JANE DOES 1-5,

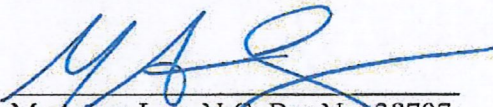
Defendants.

**NOTICE OF SERVING SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION,  
OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES**

PLEASE TAKE NOTICE that Defendants Autoguard Advantage Corporation, Dimension Service Corporation, and Lexington National Insurance Corporation intend to serve the following Subpoena on or about July 17, 2023: Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises to 650 Stonewall LLC, a copy of which is attached hereto as **Exhibit A** and incorporated herein.

This the 14th day of July 2023.

HAMILTON STEPHENS  
STEELE & MARTIN, PLLC



M. Aaron Lay, N.C. Bar No. 38797  
525 N. Tryon Street, Suite 1400  
Charlotte, NC 28202

Telephone: 704-344-1117

Facsimile: 704-344-1483

[malay@lawhssm.com](mailto:malay@lawhssm.com)

*Attorneys for Defendants Autoguard  
Advantage Corporation, Dimension Service  
Corporation, and Lexington National  
Insurance Corporation*



### CERTIFICATE OF SERVICE

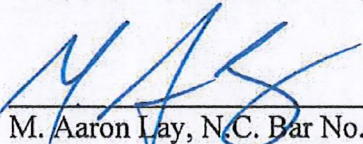
I hereby certify that a true correct copy of the forgoing **NOTICE OF SUBPOENA** had been served on all counsel of record filing with the Court's CM/ECF system and/or electronic mail to the following recipients:

Craig Cunningham  
3000 Custer Road, Ste 270-206  
Plano, Texas 75075  
projectpalehorse@hushmail.com  
*Plaintiff, Pro Se*

John E. Harris  
Clifton L. Brinson  
Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, LLP  
P.O. Box 2611  
Raleigh, NC 27602  
[jharris@smithlaw.com](mailto:jharris@smithlaw.com)  
[cbrinson@smithlaw.com](mailto:cbrinson@smithlaw.com)  
*Attorneys for Sing Service, LLC d/b/a MEPCO*

This the 14th day of July, 2023.

HAMILTON STEPHENS  
STEELE & MARTIN, PLLC



M. Aaron Lay, N.C. Bar No. 38797

525 N. Tryon Street, Suite 1400

Charlotte, NC 28202

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Facsimile: 704-344-1483

[malay@lawhssm.com](mailto:malay@lawhssm.com)

*Attorneys for Defendants Autoguard  
Advantage Corporation, Dimension Service  
Corporation, and Lexington National  
Insurance Corporation*



UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

CRAIG CUNNINGHAM

*Plaintiff*

DIMENSION SERVICE CORPORATION

*Defendant*

Civil Action No. 3:23-cv-0238-FDW-SCR

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: 650 STONEWALL, L.L.C., c/o Creek Lane Capital, LLC, 929 West Adams Street, Chicago, IL 60607

*(Name of person to whom this subpoena is directed)*

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

All documents, materials, leases, contracts, and/or communications with residents Dan Cooper or Craig Cunningham relating to the leasing of an apartment in the Savoy Charlotte.

Place:  
525 N Tryon St. Ste 1400  
Charlotte, NC 28202

Date and Time:  
07/24/2023 10:00 am

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 07/17/2023

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk*

*Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* M. Aaron Lay  
525 N Tryon St, Ste 1400, Charlotte, NC 28202 - 704.227.1047, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).



Civil Action No. 3:23-cv-0238-FDW-SCR

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_

on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:



# UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

CRAIG CUNNINGHAM

*Plaintiff*

DIMENSION SERVICE CORPORATION

*Defendant*

Civil Action No. 3:23-cv-0238-FDW-SCR

## SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: 650 STONEWALL, L.L.C., c/o Creek Lane Capital, LLC, 929 West Adams Street, Chicago, IL 60607

*(Name of person to whom this subpoena is directed)*

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

All documents, materials, leases, contracts, and/or communications with residents Dan Cooper or Craig Cunningham relating to the leasing of an apartment in the Savoy Charlotte.

Place:  
525 N Tryon St. Ste 1400  
Charlotte, NC 28202

Date and Time:  
07/24/2023 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 07/17/2023

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk*

*Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Dimension Service Corporation, who issues or requests this subpoena, are:  
M. Aaron Lay, 525 N. Tryon St, Ste 1400, Charlotte, NC 28202 - 704.227.1047 malay@lawhssm.com

### Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).



Civil Action No. 3:23-cv-0238-FDW-SCR

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for (name of individual and title, if any) 650 Stonewall, LLC c/o Creek Lane Capital, LLC  
on (date) 7/18/23

☒ I served the subpoena by delivering a copy to the named person as follows: 650 Stonewall, LLC  
c/o Creek Lane Capital, LLC, 929 West Adams St.  
Chicago, IL 60607 on (date) 7/18/23; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 7/18/23 Marisol Rivera  
Server's signature  
Marisol Rivera, Paralegal  
Printed name and title

525 N. Tryon St #1400 Clt, NC 28202  
Server's address

Additional information regarding attempted service, etc.:



**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.